

NEW JERSEY SITE REMEDIATION PROFESSIONAL LICENSING BOARD

FINAL

April 1, 2013 Meeting Minutes

4:00 p.m., Public Hearing Room, DEP, Trenton

Board Members:

Present:

Jorge Berkowitz
Phil Brilliant
Richard Dewling
Lawra Dodge
Joann Held
Karl Muessig
Constantine Tsentas
David Sweeney
Ira Whitman

Absent:

Mike Pisauro
Christopher Motta

Others Present:

Board Secretary Karen Hershey
DAG Kimberly Hahn
Board Staff Dana Haymes

Proceedings:

- Meeting called to Order at 4:05 by Chairman Sweeney
- Statement by Chairman Sweeney that adequate notice of the meeting was provided pursuant to the Open Public Meetings Act.
- Roll Call
- Approval of the February 19, 2013 and March 4, 2013 minutes
 - Motion by Chairman Sweeney to approve February 19, 2013 and March 4, 2013 minutes. Motion seconded by Ira Whitman.

Vote on Pending Motion to approve February 19, 2013 minutes:

- Berkowitz - Y
- Brilliant - Y
- Dewling - Y
- Dodge - Abstain
- Held - Y
- Motta - Absent
- Muessig - Y
- Pisauro - Absent
- Tsentas - Y
- Whitman - Y
- Sweeney - Abstain

Motion Carried.

Vote on Pending Motion to approve March 4, 2013 minutes:

- Berkowitz - Abstain
- Brilliant - Y
- Dewling - Y
- Dodge - Y
- Held - Y
- Motta - Absent
- Muessig - Y
- Pisauro - Absent
- Tsentas - Y
- Whitman - Y
- Sweeney - Y

Motion Carried.

- Committee Reports

- A report was given by Committee Chair Phil Brilliant on behalf of the Audit Committee.

Phil Brilliant announced that the following audits have been deemed complete:

506244 Thomas Brady, Selected July 2012, Completed April 1, 2013
574543 Robert Good Jr., Selected December 2012, Completed April 1, 2013
591637 Wahid Khan, Selected December 2012, Completed April 1, 2013
577252 Chris Korshalla, Selected January 2013, Completed April 1, 2013
564644 Randy Deardorff, Selected January 2013, Completed April 1, 2013

585022 Rebecca Hollender, Selected January 2013, Completed April 1, 2013

- A report was given by Committee Chair Lawra Dodge on behalf of the Licensure Committee.

Lawra Dodge recommended that the following applications be approved for Continuing Education Credit:

·Application of Battelle for approval of 8 short courses held during the “International Symposium on Bioremediation and Sustainable Environmental Technologies” for between 4 and 7 Technical CECs

·Application of Society of Women Environmental Professionals for approval of “NJDEP Vapor Intrusion Technical Guidance Update” for 2 Technical CECs

·Application of LSRP Association for approval of “Application of GIS to SRP Sites” for 4 Technical CECs

Motion by David Sweeney to approve these three applications for continuing education credit. Motion seconded by Richard Dewling.

Vote on Pending Motion:

- Berkowitz - Y
- Brilliant - Y
- Dewling - Y
- Dodge - Y
- Held - Y
- Motta - Absent
- Muessig - Y
- Pisauro - Absent
- Tsentas - Y
- Whitman - Y
- Sweeney - Y

Motion Carried.

- A report was given by Committee Chair Richard Dewling on behalf of the Finance Committee.

Richard Dewling noted that the Budget has been approved.

- A report was given by Committee Chair Ira Whitman on behalf of the Licensure Committee.

Motion by Ira Whitman to extend the Caviart contract one year from August 2013 to August 2014. Motion seconded by Richard Dewling.

Discussion of Pending Motion:

Contractor met with committee on February 19. Under state contracting system, have to transfer state contract from DEP to Board. On March 13, 2013 a listserv message was sent to the SRP public aimed at non-temporary LSRPs. A response was requested as to interest in taking the LSRP examination in two time periods, July 1, 2013 to June 30, 2014, or July 1, 2014 to June 30, 2015. Fifty respondents expressed interest in taking the exam during the first period, and eleven respondents expressed interest in taking the exam during the second period. Will need to verify when people want to take exam. Budgeted for only one exam next year. Would appear we can give exam twice next year. Not clear if we want to. About \$160,000 to administer exam. May need to revise exam based on substantive areas that have changed since last exam given. Do we have obligation to make exam available to population that has just become eligible? Need to send email back and ask respondents if they will be ready to sit for exam in Fall 2013, or need to wait until spring. If flunked three times, or were temporary, will not be eligible to sit for fall test. From now on, any person can take the exam as many times as they want.

Vote on Pending Motion:

- Berkowitz - Y
- Brilliant - Y
- Dewling - Y
- Dodge - Y
- Held - Y
- Motta - Absent
- Muessig - Y
- Pisauro - Absent
- Tsentas - Y
- Whitman - Y
- Sweeney - Y

Motion Carried.

Motion by Ira Whitman to grant the Secretary authorization to grant or withhold inactive status on the pending request by an LSRP. Motion seconded by David Sweeney.

Discussion of Pending Motion:

There has been a request for inactive status by an LSRP. Rules as currently drafted allow inactive status due to unemployment, military deployment, pursuit

of full time degree, medical leave of absence. Person seeking inactive status has accepted employment - “accepted a contract job unrelated to site remediation that is expected to continue through December 2014.”

Ira met with Karen Hershey, Dana Haymes and Kimberly Hahn to discuss policy on inactive status. Agreed on policy - will be written and given to Ira for review with Licensure Committee. Once Licensure Committee approves policy the draft rules will be revised in accordance with policy.

Outline of policy regarding inactive status - temporary suspension of \$900 annual fee. LSRP must notify DEP, notify clients, meet all continuing education requirements, will have to become active again in time for renewal of license.

Jorge Berkowitz stated concern that LSRP is requesting inactive status in order to avoid conflict with LSRP obligation. Wants secretary to ask about that, as well as who will handle her cases while she is inactive.

Vote on Pending Motion:

- Berkowitz - Y with clarification that it is individual specific
- Brilliant - Abstain
- Dewling - Y
- Dodge - Y
- Held - Y
- Motta - Absent
- Muessig - Y
- Pisauro - Absent
- Tsentas - Abstain
- Whitman - Y
- Sweeney - Y

Motion Carried.

- Outreach: Christopher Motta Absent - No Report
- Professional Conduct - Closed session

Motion by Jorge Berkowitz that with respect to Complaint 004-2012 the Board issue a reprimand. Motion seconded by David Sweeney.

Vote on Pending Motion:

- Berkowitz - Y

- Brilliant - Y
- Dewling - Y
- Dodge - Y
- Held - Y
- Motta - Absent
- Muessig - Y
- Pisauro - Absent
- Tsentas - Y
- Whitman - Y
- Sweeney - Y

Motion Carried.

Motion by Jorge Berkowitz that with respect to Complaint 005-2012 the Board dismiss the complaint. Motion seconded by David Sweeney.

Vote on Pending Motion:

- Berkowitz - Y
- Brilliant - Y
- Dewling - Y
- Dodge - Y
- Held - Y
- Motta - Absent
- Muessig - Y
- Pisauro - Absent
- Tsentas - Y
- Whitman - Y
- Sweeney - Y

Motion Carried.

Once complainant and respondent informed of activities by Board, summary will be posted on website.

- A report was given by Committee Chair Joann Held on behalf of the Rules Committee.

Committee has agreed that there should be another opportunity for an open forum for public to comment on draft rules. Recommend that post whole text of proposed rule on website. Notify people through listserv that at next Board meeting will brief Board on rules and take comments from public during that meeting. Post on DEP and LSRP Board website, as well as listserv. In context of APA, this is not public comment hearing but stakeholder opportunity to make

comments and suggestions. There will be no follow up response. One of last steps of informal stakeholder process.

- Ongoing Business: None
- New Business: None
- Next meeting: April 15, 2013 4:00
- Public Comment:

Roger Ferguson, Holland TWP, LSRPA

Is inactive LSRP still responsible for responding to potential audit? Ira Whitman replied yes. Is inactive LSRP still responsible for Code of Conduct? Ira Whitman replied yes. Still working on comments for Joann re retention of records. What does maintain and preserve mean? Be in LSRP's possession? There are practicing LSRPs that have issues with their firms, records belong to firm or client, therefore LSRP not allowed to have them. In case of LSRPs that are changing firms, records not being made available by firm. Thinks Board needs to make it clear and give guidance to LSRPs.

In draft write-up of regulations - LSRP responsible for a site. Need more nuanced discussion. Clarify some of the language.

- The meeting of the Site Remediation Professional Licensing Board adjourned at 6:00 p.m.